

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JANE DOE,

*Plaintiff,*

v.

WILLIAM B. LEE, Governor of the State of  
Tennessee, *in his official capacity*; DAVID  
RAUSCH, Director of the Tennessee Bureau  
of Investigation, *in his official capacity*,  
*Defendants.*

Case No.

**JURY DEMAND**

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, Plaintiff moves the Court to preliminarily enjoin Defendants, their officers, agents, employees, servants, and attorneys, and all persons in active concert or participation with them (i) from applying the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004, Tenn. Code Ann. §§ 40-39-201–40-39-218 (West 2021) (“the Act”) to her (ii) from enforcing the Act against Plaintiff, including the continued publication of Plaintiff’s information on the sex offender registry (“SOR”), (iii) to remove Plaintiff’s information from the SOR (iv) and to do the same for all individuals similarly situated<sup>1</sup> to Plaintiff.

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<sup>1</sup> In this case, “similarly situated” means any individual whose purported qualifying offense occurred before 2014 and/or was a non-Tennessee offense.

In support of this motion, Plaintiff relies upon and hereby incorporates and adopts by express reference pursuant to Rules 65(b)(1)(A) and 10(c) of The Federal Rules of Civil Procedure, her Verified Complaint including all facts therein.

1. Plaintiff is subject to the Act for life based on an offense that did not involve any allegations of sexual conduct – let alone sexual misconduct – and an “offender against children” status which became law four years after she pleaded guilty to her offense.

2. Plaintiff brings this action to establish that:

- The Act is facially unconstitutional under the Fourteenth Amendment due process clause because there is no set of circumstances under which the routine operation of the Act provides constitutionally sufficient procedural due process;
- The Act is facially void for vagueness because its routine operation systematically denies fair notice to citizens of whether a non-Tennessee offense would meet the standard of conduct which qualifies them to register on the SOR; and
- The Act is facially unconstitutional under the Ex Post Facto clause because it applies “offender against children” status requiring lifetime registration for those whose offenses predated the 2014 passage of that status.
- The Act is unconstitutional as applied to Ms. Doe because:
  - Classifying her as a violent sex offender for the rest of her life when she has never even been accused, let alone convicted, of sexual misconduct violates her substantive due process rights by having no rational connection to the Act’s legislative purpose; and
  - Restricting her from participating in her son’s education and upbringing violates her fundamental right to direct the care of her child under the Fourteenth Amendment.

3. Plaintiff is likely to succeed on the merits of her Fourteenth Amendment and Ex Post Facto claims.

4. This violation of Plaintiff’s constitutional rights and those of others similarly situated has and continues to irreparably harm Plaintiff.

5. Enjoining the Act's enforcement pending final judgment will not harm Defendants and will serve the public interest.

6. Plaintiff has consistently and diligently maintained her objection to SOR placement and classification since its origination in 2016 through various collateral challenges and efforts to develop the present challenge.

Plaintiff therefore requests the Court to grant a preliminary injunction as set forth above and grant any other necessary or proper relief.

Dated: September 8, 2023.

Respectfully submitted:

/s/ Davis Griffin  
Davis Fordham Griffin, Esq.  
TBPR #34555  
MOCKINGBIRD LAW GROUP, PLLC  
P.O. Box 282218  
Nashville, TN 37208  
[davis@mockingbirdlaw.com](mailto:davis@mockingbirdlaw.com)  
615-280-0899

/s/ Stella Yarbrough  
Stella Yarbrough, BPR # 033637  
Lucas Cameron-Vaughn, # 038451  
Jeff Preptit, # 038451  
ACLU Foundation of Tennessee  
P.O. Box 120160  
Nashville, TN 37212  
(615) 320-7142  
[syarbrough@aclu-tn.org](mailto:syarbrough@aclu-tn.org)  
[lucas@aclu-tn.org](mailto:lucas@aclu-tn.org)  
[jpreptit@aclu-tn.org](mailto:jpreptit@aclu-tn.org)